



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.10930 OF 2022

R.Chezhian

.. Petitioner

Vs.

1. The District Collector,
District Collector Office,
Thiruvannamalai District 606 604.
2. The Revenue Divisional Officer,
Thiruvannamalai 606 601.
3. The Tahsildhar,
Thiruvannamalai 606 601.
4. The Deputy Superintendent of Police,
Town Sub Division,
Thiruvannamalai 606 601.
5. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai 606 601.
6. The Sub-Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai 606 601.
7. The Commissioner,
Department of Hindu Religious & Charitable Endowments,
Nungambakkam High Road,
Chennai 600 034.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 3 & 7 to consider representation given by the petitioner dated 14.02.2022 and pass orders.



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For Petitioner : Mr.K.Venkatasubban
For R1 to R6 : Mr.U.Baranidharan
(Additional Government Pleader)
For R7 : Mr.S.Yashwanth
(Additional Government Pleader)

O R D E R

This Writ Petition is filed by the petitioner for a direction to the respondents 3 & 7 to consider his representation dated 14.02.2022 and pass orders.

2.By consent of the learned counsel appearing for the petitioner, the learned Additional Government Pleader who takes notice for the respondents 1 to 6 as well as the learned Additional Government Pleader who takes notice for the 7th respondent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 6 as well as the learned Additional Government Pleader appearing for the 7th respondent and perused the entire materials available on record.

4.According to the petitioner, he took shop bearing Door No.79/2, at Chengam Road, Tiruvannamalai town on lease from R.Ramesh and R.Senthilkumar, claiming to be the owners of the property, for running an Ice cream shop under the name and style "Margherita Natural Ice Cream", which also serves Pizzas. He has invested huge amounts by paying advance to the owner of the property, for renovation of shop and installation of machineries for manufacturing ice creams, chocolates, pizza, etc. While so, on 20.12.2018, at about 11.30 a.m., the respondents 3, 5 and 6 came to the shop and forcibly evicted the staffs of the petitioner and sealed the premises. The petitioner came to know that the owner of the property has encroached the temple land and put up construction. The petitioner has nothing to do with the encroachment and illegal construction put up by the owner of the property. The lease for the shop expired on 03.06.2021. The petitioner is taking steps to get back the advance amount. In such circumstances, the petitioner sent representation dated 14.02.2022 to the respondents, seeking permission to remove the fittings and other movables inside the first shop in ground floor viz., "Margherita Natural Ice Cream", belonging to the petitioner. Since no order has been passed on the said



representation, the petitioner has come out with the present Writ Petition.

5.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents 1 to 6, on instructions, submitted that the representation of the petitioner is under active consideration and the same will be finalized within two weeks.

6.From the copy of the representation filed by the petitioner in the typed set of papers, it is seen that the petitioner is seeking permission to remove the fittings and other movables from the shop at Door No.79/2, Chengam Road, Tiruvannamalai town, sealed by the 3rd respondent. The 3rd respondent has given instructions that representation of the petitioner is under consideration and the same will be finalized within a period of two weeks. Considering the request of the petitioner to remove his goods inside the sealed shop, instructions of the 3rd respondent and the fact that the petitioner is only a lessee and he has installed the machineries by spending huge amounts, the 3rd respondent is directed to consider the representation of the petitioner dated 14.02.2022 and pass orders in accordance with law, after giving opportunity of hearing to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The District Collector,
District Collector Office,
Thiruvannamalai District 606 604.
2. The Revenue Divisional Officer,
Thiruvannamalai 606 601.
3. The Tahsildhar,
Thiruvannamalai 606 601.



4. The Deputy Superintendent of Police,
Town Sub Division,
Thiruvannamalai 606 601.
5. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai 606 601.
6. The Sub-Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai 606 601.
7. The Commissioner,
Department of Hindu Religious & Charitable Endowments,
Nungambakkam High Road,
Chennai 600 034.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.28987

+1cc to the Government Pleader, S.R.No.29380

W.P.No.10930 of 2022

MG(CO)
RLP(25/05/2022)